

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

OP.No. 4425 of 2002(B)

PETITIONER:

MR.T.R.MOUNAGURUSWAMY,
LAKSHMI ILLOM, PUTHACHUVAYUAL,
MARAYOOR VILLAGE, THODUPUZHA,
IDUKKI DISTRICT.

BY ADV. SRI.C.G.SUNIL
SMT.E.V.MOLY
SRI.SAJI MATHEW

RESPONDENTS:

1. KERALA STATE FINANCIAL CORPORATION,
REPRESENTED BY ITS DISTRICT MANAGER,
THODUPUZHA.
2. DEPUTY TAHSILDAR,(REVENUE RECOVERY),
KERALA FINANCIAL CORPORATION, KOTTAYAM.
3. DISTRICT COLLECTOR, CIVIL STATION,
PAINAVU, IDUKKI DISTRICT.
4. MARAYUR PAPER BOARDS(P)LTD., MARAYOOR,
IDUKKI DISTRICT, PIN-685620,
REP. BY ITS MANAGING DIRECTOR, MR.M.NATARAJAN.
5. STATE BANK OF INDIA, REP. BY ITS
BRANCH MANAGER, ADIMALI, IDUKKI DISTRICT.

BY ADV. SRI.V.B.UNNIRAJ
SRI.K.S.DILIP
SRI.BONY PHILIP
SRI.R.PADMARAJ
SRI.BIJU HARIHARAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP NO.4425/02

ORDER ON CMP NO.7925/2002 IN OP NO.4425/2002

DISMISSED

26.11.2007

SD/- P.R.RAMAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE LAWYER NOTICE DATED 9.8.1995 ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P2: COPY OF THE LAWYER NOTICE DATED 19.8.95 ISSUED BY THE PETITIONER TO MR.NATARAJAN

EXT.P3: COPY OF THE LAWYER NOTICE DATED 9.1.96 ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P4: COPY OF THE LAWYER NOTICE DATED 16.8.96 ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P5: COPY OF THE LETTER DATED 22.1.1997 ISSUED BY THE 1ST RESPONDENT.

EXT.P6: COPY OF THE ORDER DATED 19.2.2001 PASSED BY THE SUB COURT, THODUPUZHA IN I.A.NO.209/2001 IN O.S.NO.19/2001.

EXT.P7: COPY OF THE NOTICE DATED 17.12.2001 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P8: COPY OF THE SALARY CERTIFICATE DATED 8.1.2002 ISSUED BY THE 5TH RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

P.R.RAMAN, J

O.P.No.4425 of 2002

Dated this the 26th day of November, 2007

JUDGMENT

Short question that arise for consideration is as to whether salary attachment is excessive as per Section 80 CPC. This question is squarely covered by the decision of this court in **Bhargavan Pillai vs. Special Dy. Tahsildar (2003(3) KLT 753)**. Accordingly further recovery of any amount from the salary would be made only after expiry of the period under Section 80 of the CPC and subject to the restrictions contained therein.

The original petition is allowed to the above extend.

**P.R.RAMAN,
JUDGE**

csl